

## REMARKS

Claims 1-40 are pending in the application. Claims 1, 15, 24, and 38 are currently amended to clarify that the polyester has an ethylene linkage and that the catalyst is added in an amount effective for catalyzing conversion of the vinyl ester end groups to acetaldehyde. Support for these amendments can be found generally throughout the Specification, and specifically, at page 8, lines 22-23 and page 7, lines 20-23. Reconsideration of the present application, as amended, and allowance of the pending claims is respectfully requested in view of the following remarks.

### **Rejection Under 35 U.S.C. § 112**

The present Office Action rejected claims 1-40 under 35 U.S.C. § 112, first paragraph, as having a scope broader than the enablement of the disclosure. The rejection is respectfully traversed.

Applicants' invention is directed to a polyester composition with reduced levels of acetaldehyde and a method of making a polyester or polyester article with reduced levels of acetaldehyde. Applicants submit that the scope of the claims, as amended, is **commensurate** with the level of enablement provided by the specification.

Amended claim 1 is as follows:

“A method of reducing the amount of acetaldehyde in a melt-processed polyester having an ethylene linkage and vinyl ester end groups, the method comprising incorporating into the polyester at least one active vinyl ester transesterification catalyst in an amount effective for catalyzing conversion of the vinyl ester end groups to acetaldehyde, heating the polyester, and providing egress for the acetaldehyde from the polyester.”

Independent claims 15, 24, and 38 have been similarly amended.

Applicants have amended the claims to clarify that the polyesters of this invention have an ethylene linkage. Applicants also have amended the claims to clarify that the vinyl ester

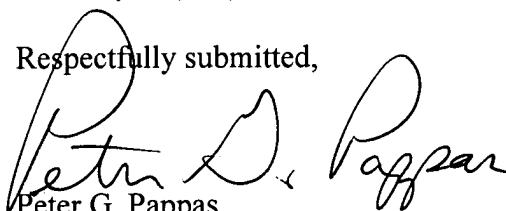
transesterification catalyst must be present in an amount effective for catalyzing the conversion of the vinyl ester end groups to acetaldehyde. As the Examiner noted in page 3 of the Office Action, "one of ordinary skill in the art would conclude that there is *at least an effective amount* of catalyst that would produce" the desired reaction. The claims, as amended, now clarify that such an effective amount of catalyst is necessary. Thus, the scope of these amended claims is commensurate with the enablement of the specification.

Applicants respectfully disagree with the Examiner's assertion that the step of venting is not consistently present in all claims. Applicants submit that the step of venting is consistently present in all **method** claims. Although the step of venting is not present in the composition claims, it is **not applicable** to such claims. Thus, Applicants' submit that the scope of the claims is commensurate with the enablement of the specification.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejection and allowance for pending claims 1-40, as amended.

If there are any issues which can be resolved by a telephone conference or an examiner's amendment, the Examiner is invited to telephone the attorney at (404) 853-8064.

Respectfully submitted,

  
Peter G. Pappas  
Reg. No. 33,205

SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996  
Telephone: (404) 853-8000  
Facsimile: (404) 853-8806